

AMENDED IN ASSEMBLY AUGUST 24, 1995

AMENDED IN ASSEMBLY JULY 5, 1995

AMENDED IN SENATE MAY 23, 1995

AMENDED IN SENATE MAY 17, 1995

**SENATE BILL**

**No. 816**

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**Introduced by Senator Peace**  
**(Coauthor: Senator Kopp)**  
(Coauthor: Assembly Member Rainey)

February 23, 1995

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An act to amend ~~Section 13964~~ *Sections 13964 and 50050* of the Government Code, and to amend Sections 288.1, 1000.12, and 1203.066 of the Penal Code, *and to amend Section 656 of the Welfare and Institutions Code*, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

SB 816, as amended, Peace. Children: sexual abuse.

(1) Existing law authorizes the State Board of Control to provide assistance to, among others, derivative victims of crimes, including the parent of a child who has been sexually abused, unless the board makes certain findings, including the fact that the parent failed to cooperate with a law enforcement agency in the apprehension and conviction of the perpetrator.

This bill would specify that a parent shall not be considered uncooperative under these provisions if the parent cooperates with the prosecution or Child Protective Services by

providing assistance to law enforcement in the disposition of the case.

(2) Existing law provides for the granting of probation to, and deferred entry of judgment and treatment of, specified child molesters who may be feasibly rehabilitated in recognized treatment programs.

This bill would revise the standards applicable to a recognized treatment program, as defined.

(3) Existing law provides that the court may not suspend the sentence of a specified child molester until the court obtains a report on the offender's mental condition from a reputable psychiatrist or psychologist, as provided.

This bill instead would provide that the court may not suspend the sentence of a specified child molester until the court obtains that report from a reputable psychiatrist or psychologist, or from a recognized treatment program referred to in (2) above.

*The bill would make various technical changes.*

(4) This bill would incorporate additional changes in Section 50050 of the Government Code enacted by SB 481 (Ch. 105, Stats. 1995), and additional changes in Section 656 of the Welfare and Institutions Code enacted by AB 1837 (Ch. 42, Stats. 1995).

This bill would incorporate additional changes in Section 1203.066 of the Penal Code enacted by AB 1491 (Ch. 48, Stats. 1995). It would also incorporate additional changes in that section proposed by AB ~~1491~~ 95, to be operative only if AB ~~1491~~ 95 and this bill are both chaptered and become effective on January 1, 1996, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13964 of the Government Code  
 2 is amended to read:  
 3 13964. (a) After having heard the evidence relevant  
 4 to the application for assistance, the board shall approve  
 5 the application if a preponderance of the evidence shows  
 6 that as a direct result of the crime the victim or derivative



1 victim incurred an injury which resulted in a pecuniary  
2 loss.

3 (b) An application for assistance may be denied, in  
4 whole or in part, if the board finds that denial is  
5 appropriate because of the nature of the victim's or other  
6 applicant's involvement in the events leading to the  
7 crime or the involvement of the persons whose injury or  
8 death give rise to the application.

9 (c) No victim shall be eligible for assistance under this  
10 article under any of the following circumstances:

11 (1) The board finds that the victim knowingly and  
12 willingly participated in the commission of the crime.

13 (2) The board finds that the victim failed to cooperate  
14 with a law enforcement agency in the apprehension and  
15 conviction of a criminal committing the crime.

16 (d) No derivative victim shall be eligible for assistance  
17 under this article under any of the following  
18 circumstances:

19 (1) The board finds that the victim or derivative  
20 victim knowingly and willingly participated in the  
21 commission of the crime.

22 (2) The board finds that the victim or derivative  
23 victim failed to cooperate with a law enforcement agency  
24 in the apprehension and conviction of a criminal  
25 committing the crime.

26 (e) No application shall be denied solely because no  
27 criminal complaint has been filed, unless the complaint  
28 has not been filed for one of the reasons stated in  
29 subdivision (c) or (d). Moreover, no application shall be  
30 denied because a criminal complaint is filed, but later  
31 dismissed, if the dismissal is not for the reasons stated in  
32 subdivision (c) or (d).

33 (f) Once an application has been accepted by the  
34 board pursuant to subdivision (b) of Section 13962, as the  
35 application pertains to medical or medical-related  
36 expenses, the claim shall continue to be processed and  
37 either awarded or denied pursuant to this article in the  
38 event of the death of the applicant.

39 (g) If a nonoffending parent in a child sexual abuse  
40 case cooperates with the prosecution or Child Protective



1 Services by providing assistance to law enforcement in  
2 the disposition of the case, that parent shall not be  
3 considered uncooperative within the meaning of this  
4 section and shall be eligible, if otherwise qualified, for  
5 restitution as a derivative victim pursuant to  
6 subparagraph (C) of paragraph (1) of subdivision (a) of  
7 Section 13965.

8 *SEC. 1.5. Section 50050 of the Government Code, as*  
9 *amended by Chapter 313 of the Statutes of 1995, is*  
10 *amended to read:*

11 50050. For purposes of this article, “local agency”  
12 includes all districts. Except as otherwise provided by law,  
13 money, excluding restitution to victims, that is not the  
14 property of a local agency that remains unclaimed in its  
15 treasury or in the official custody of its officers for three  
16 years is the property of the local agency after notice if not  
17 claimed or if no verified complaint is filed and served. At  
18 any time after the expiration of the three-year period, the  
19 treasurer of the local agency may cause a notice to be  
20 published once a week for two successive weeks in a  
21 newspaper of general circulation published in the local  
22 agency. Money representing restitution collected on  
23 behalf of victims shall be deposited into the Restitution  
24 Fund after the expiration of the three-year period.  
25 *However, with respect to moneys deposited with the*  
26 *county treasurer pursuant to Section 7663 of the Probate*  
27 *Code, this three-year period to claim money held by a*  
28 *local agency is extended for an infant or person of*  
29 *unsound mind until one year from the date his or her*  
30 *disability ceases.*

31 *For purposes of this section, “infant” and “person of*  
32 *unsound mind” have the same meaning as given to those*  
33 *terms in Section 1441 of the Code of Civil Procedure.*

34 *SEC. 2. Section 288.1 of the Penal Code is amended to*  
35 *read:*

36 288.1. Any person convicted of committing any lewd  
37 or lascivious act including any of the acts constituting  
38 other crimes provided for in Part 1 of this code upon or  
39 with the body, or any part or member thereof, of a child  
40 under the age of 14 years shall not have his or her



1 sentence suspended until the court obtains a report from  
2 a reputable psychiatrist, from a reputable psychologist  
3 who meets the standards set forth in Section 1027, or from  
4 a recognized treatment program pursuant to Section  
5 1000.12 or 1203.066, as to the mental condition of that  
6 person.

7 SEC. 3. Section 1000.12 of the Penal Code is amended  
8 to read:

9 1000.12. (a) It is the intent of the Legislature that  
10 nothing in this chapter deprive a prosecuting attorney of  
11 the ability to prosecute any person who is suspected of  
12 committing any crime in which a minor is a victim of an  
13 act of molestation, abuse, or neglect to the fullest extent  
14 of the law, if the prosecuting attorney so chooses.

15 (b) Except as provided in subdivision (c), in lieu of  
16 prosecuting a person suspected of committing any crime,  
17 involving a minor victim, of an act of abuse or neglect, the  
18 prosecuting attorney may refer that person to the county  
19 department in charge of public social services or the  
20 probation department for counseling or psychological  
21 treatment and such other services as the department  
22 deems necessary. The prosecuting attorney shall seek the  
23 advice of the county department in charge of public social  
24 services or the probation department in determining  
25 whether or not to make the referral.

26 (c) (1) In lieu of trial, the prosecuting attorney may  
27 make a motion to the trial court to defer entry of  
28 judgment with respect to any crime charged in which a  
29 minor is a victim of an act of molestation or sexual abuse,  
30 provided that the defendant pleads guilty to all crimes  
31 and enhancements charged. Upon that motion and  
32 defendant's plea of guilty to all charges and  
33 enhancements, the court may defer entry of judgment,  
34 contingent upon the defendant's referral to, and  
35 completion of, a treatment program approved by the  
36 prosecuting attorney. Upon the defendant's successful  
37 completion of the treatment program, and upon the  
38 positive recommendation of the treatment program  
39 authority and the motion of the prosecuting attorney, but  
40 no sooner than five years from the date of the defendant's



1 referral to the treatment program, the court shall dismiss  
2 the charge or charges against the defendant.

3 (2) Upon any failure of treatment under the program  
4 described in paragraph (1), the prosecuting attorney  
5 may make a motion to the court for entry of judgment and  
6 the court shall, upon a finding of failure of treatment  
7 based on a preponderance of evidence, enter judgment  
8 upon the defendant's pleas and admissions, and schedule  
9 a sentencing hearing as otherwise provided in this code.

10 (3) The office of the prosecuting attorney shall  
11 promulgate eligibility standards for deferred entry of  
12 judgment and treatment of defendants described in  
13 paragraph (1), which shall include, but not be limited to,  
14 all of the following:

15 (A) Deferred entry of judgment for the defendant is  
16 in the best interests of the minor victim.

17 (B) Rehabilitation of the defendant is feasible in a  
18 recognized treatment program, as defined in Section  
19 1203.066, designed to deal with child molestation, abuse,  
20 or neglect, as specifically related to the charges made.

21 (C) There is no threat of harm to the minor victim if  
22 entry of judgment is deferred.

23 (D) No person shall be deemed eligible for deferred  
24 entry of judgment under this section unless he or she  
25 pleads guilty to all charges and enhancements.

26 (E) Deferred entry of judgment shall not apply to any  
27 person who is charged under subdivision (b) of Section  
28 288, or any sexual offense involving force, violence,  
29 duress, menace, or fear of immediate and unlawful bodily  
30 injury on the minor victim or another person.

31 (F) Any person who applies for deferred entry of  
32 judgment under this section shall also meet all of the  
33 requirements for the counseling program delineated  
34 under Section 1000.13.

35 (4) Deferred entry of judgment shall be granted upon  
36 the following terms:

37 (A) Defendant shall seek and participate in a  
38 rehabilitation program as prescribed by the district  
39 attorney.



1 (B) Defendant shall not use, handle, or have in his or  
2 her possession marijuana, narcotics, dangerous drugs, or  
3 controlled substances of any kind, unless lawfully  
4 prescribed for the defendant by a licensed physician.

5 (C) Defendant shall not associate with known or  
6 reputed users or sellers of marijuana, dangerous drugs, or  
7 narcotics, or be in places where narcotics or dangerous  
8 drugs are present.

9 (D) Defendant shall submit his or her person,  
10 property, automobile, and any object under his or her  
11 control to search and seizure in or out of the presence of  
12 the defendant, by any law enforcement officer or  
13 probation officer.

14 (E) Unification with the family or unsupervised  
15 contact with the minor victim or any other minor shall be  
16 prohibited except upon recommendation of the  
17 treatment program and motion of the district attorney  
18 and order of the court.

19 (F) Any violation of the law constitutes a failure of  
20 treatment.

21 SEC. 4. Section 1203.066 of the Penal Code is  
22 amended to read:

23 1203.066. (a) Notwithstanding Section 1203 or any  
24 other law, probation shall not be granted to, nor shall the  
25 execution or imposition of sentence be suspended for, nor  
26 shall a finding bringing the defendant within the  
27 provisions of this section be stricken pursuant to Section  
28 1385 for, any of the following persons:

29 (1) A person who is convicted of violating Section 288  
30 or 288.5 when the act is committed by the use of force,  
31 violence, duress, menace, or fear of immediate and  
32 unlawful bodily injury on the victim or another person.

33 (2) A person who caused bodily injury on the child  
34 victim in committing a violation of Section 288 or 288.5.

35 (3) A person who is convicted of a violation of Section  
36 288 or 288.5 and who was a stranger to the child victim or  
37 befriended the child victim for the purpose of  
38 committing an act in violation of Section 288 or 288.5,  
39 unless the defendant honestly and reasonably believed  
40 the victim was 14 years of age or older.



1 (4) A person who used a weapon during the  
2 commission of a violation of Section 288 or 288.5.

3 (5) A person who is convicted of committing a  
4 violation of Section 288 or 288.5 and who has been  
5 previously convicted of a violation of Section 261, 262,  
6 264.1, 266, 266c, 267, 285, 286, 288, 288.5, 288a, or 289, or of  
7 assaulting another person with intent to commit a crime  
8 specified in this paragraph in violation of Section 220, or  
9 who has been previously convicted in another state of an  
10 offense which, if committed or attempted in this state,  
11 would constitute an offense enumerated in this  
12 paragraph.

13 (6) A person who violated Section 288 or 288.5 while  
14 kidnapping the child victim in violation of Section 207,  
15 208, or 209.

16 (7) A person who is convicted of committing a  
17 violation of Section 288 or 288.5 against more than one  
18 victim.

19 (8) A person who, in violating Section 288 or 288.5, has  
20 substantial sexual conduct with a victim who is under 14  
21 years of age.

22 (9) A person who, in violating Section 288 or 288.5,  
23 used obscene matter, as defined in Section 311, or matter,  
24 as defined in Section 311, depicting sexual conduct, as  
25 defined in Section 311.3.

26 (b) “Substantial sexual conduct” means penetration of  
27 the vagina or rectum of either the victim or the offender  
28 by the penis of the other or by any foreign object, oral  
29 copulation, or masturbation of either the victim or the  
30 offender.

31 (c) Paragraphs (7), (8), and (9) of subdivision (a) shall  
32 not apply when the court makes all of the following  
33 findings:

34 (1) The defendant is the victim’s natural parent,  
35 adoptive parent, stepparent, relative, or is a member of  
36 the victim’s household who has lived in the victim’s  
37 household.

38 (2) A grant of probation to the defendant is in the best  
39 interest of the child.



1 (3) Rehabilitation of the defendant is feasible, the  
2 defendant is amenable to undergoing treatment, and the  
3 defendant is placed in a recognized treatment program  
4 designed to deal with child molestation immediately after  
5 the grant of probation or the suspension of execution or  
6 imposition of sentence.

7 (4) The defendant is removed from the household of  
8 the victim until the court determines that the best  
9 interests of the victim would be served by returning the  
10 defendant to the household of the victim. *While removed*  
11 *from the household, the court shall prohibit contact by*  
12 *the defendant with the victim, except the court may*  
13 *permit the supervised contact, upon the request of the*  
14 *director of the court ordered supervised treatment*  
15 *program, and with the agreement of the victim and the*  
16 *victim's parent or legal guardian, other than the*  
17 *defendant. As used in this paragraph, "contact with the*  
18 *victim" includes all physical contact, being in the*  
19 *presence of the victim, communication by any means,*  
20 *any communication by a third party acting on behalf of*  
21 *the defendant, and any gifts.*

22 (5) There is no threat of physical harm to the child  
23 victim if probation is granted. The court upon making its  
24 findings pursuant to this subdivision is not precluded  
25 from sentencing the defendant to jail or prison, but  
26 retains the discretion not to do so. The court shall state its  
27 reasons on the record for whatever sentence it imposes on  
28 the defendant.

29 The court shall order the psychiatrist or psychologist  
30 who is appointed pursuant to Section 288.1 to include a  
31 consideration of the factors specified in paragraphs (2),  
32 (3), and (4) in making his or her report to the court.

33 (d) The existence of any fact that would make a person  
34 ineligible for probation under subdivision (a) shall be  
35 alleged in the accusatory pleading and either admitted by  
36 the defendant in open court or found to be true by the  
37 jury trying the issue of guilt or by the court where guilt  
38 is established by plea of guilty or nolo contendere or by  
39 trial by the court sitting without a jury.

1 (e) As used in this section and in Section 1000.12, the  
2 following terms apply:

3 (1) “Recognized treatment program” means a  
4 program with substantial expertise in the treatment of  
5 children who are victims of sexual abuse, their families,  
6 and offenders, that demonstrates to the court all of the  
7 following:

8 (A) An integrated program of treatment and  
9 assistance to victims and their families.

10 (B) A treatment regimen designed to specifically  
11 address the offense.

12 (C) The ability to serve indigent clients.

13 (2) “Integrated program of treatment and assistance  
14 to victims and their families” means that the program  
15 provides all of the following:

16 (A) A full range of services necessary to the recovery  
17 of the victim and any nonoffending members of the  
18 victim’s family, including individual, group, and family  
19 counseling as necessary.

20 (B) Interaction with the courts, social services,  
21 probation, the district attorney, and other government  
22 agencies to ensure appropriate help to the victim’s  
23 family.

24 (C) Appropriate supervision and treatment, as  
25 required by law, for the offender.

26 (f) For purposes of this section and Section 1000.12, a  
27 program that provides treatment only to offenders and  
28 does not provide an integrated program of treatment and  
29 assistance to victims and their families is not a recognized  
30 treatment program.

31 SEC. 5. Section 1203.066 of the Penal Code is  
32 amended to read:

33 1203.066. (a) Notwithstanding Section 1203 or any  
34 other law, probation shall not be granted to, nor shall the  
35 execution or imposition of sentence be suspended for, nor  
36 shall a finding bringing the defendant within the  
37 provisions of this section be stricken pursuant to Section  
38 1385 for, any of the following persons:

39 (1) A person who is convicted of violating Section 288  
40 or 288.5 when the act is committed by the use of force,



1 violence, duress, menace, or fear of immediate and  
2 unlawful bodily injury on the victim or another person.

3 (2) A person who caused bodily injury on the child  
4 victim in committing a violation of Section 288 or 288.5.

5 (3) A person who is convicted of a violation of Section  
6 288 or 288.5 and who was a stranger to the child victim or  
7 befriended the child victim for the purpose of  
8 committing an act in violation of Section 288 or 288.5,  
9 unless the defendant honestly and reasonably believed  
10 the victim was 14 years of age or older.

11 (4) A person who used a weapon during the  
12 commission of a violation of Section 288 or 288.5.

13 (5) A person who is convicted of committing a  
14 violation of Section 288 or 288.5 and who has been  
15 previously convicted of a violation of Section 261, 262,  
16 264.1, 266, 266c, 267, 285, 286, 288, 288.5, 288a, or 289, or of  
17 assaulting another person with intent to commit a crime  
18 specified in this paragraph in violation of Section 220, or  
19 who has been previously convicted in another state of an  
20 offense which, if committed or attempted in this state,  
21 would constitute an offense enumerated in this  
22 paragraph.

23 (6) A person who violated Section 288 or 288.5 while  
24 kidnapping the child victim in violation of Section 207,  
25 ~~208, or 209.~~ 209, or 209.5.

26 (7) A person who is convicted of committing a  
27 violation of Section 288 or 288.5 against more than one  
28 victim.

29 (8) A person who, in violating Section 288 or 288.5, has  
30 substantial sexual conduct with a victim who is under 14  
31 years of age.

32 (9) A person who, in violating Section 288 or 288.5,  
33 used obscene matter, as defined in Section 311, or matter,  
34 as defined in Section 311, depicting sexual conduct, as  
35 defined in Section 311.3.

36 (b) “Substantial sexual conduct” means penetration of  
37 the vagina or rectum of either the victim or the offender  
38 by the penis of the other or by any foreign object, oral  
39 copulation, or masturbation of either the victim or the  
40 offender.



1 (c) Paragraphs (7), (8), and (9) of subdivision (a) shall  
2 not apply when the court makes all of the following  
3 findings:

4 (1) The defendant is the victim's natural parent,  
5 adoptive parent, stepparent, relative, or is a member of  
6 the victim's household who has lived in the victim's  
7 household.

8 (2) A grant of probation to the defendant is in the best  
9 interest of the child.

10 (3) Rehabilitation of the defendant is feasible, the  
11 defendant is amenable to undergoing treatment, and the  
12 defendant is placed in a recognized treatment program  
13 designed to deal with child molestation immediately after  
14 the grant of probation or the suspension of execution or  
15 imposition of sentence.

16 (4) The defendant is removed from the household of  
17 the victim until the court determines that the best  
18 interests of the victim would be served by returning the  
19 defendant to the household of the victim. While removed  
20 from the household, the court shall prohibit contact by  
21 the defendant with the victim, except the court may  
22 permit supervised contact, upon the request of the  
23 director of the court-ordered supervised treatment  
24 program, and with the agreement of the victim and the  
25 victim's parent or legal guardian, other than the  
26 defendant. As used in this paragraph, "contact with the  
27 victim" includes all physical contact, being in the  
28 presence of the victim, communication by any means,  
29 any communication by a third party acting on behalf of  
30 the defendant, and any gifts.

31 (5) There is no threat of physical harm to the child  
32 victim if probation is granted. The court upon making its  
33 findings pursuant to this subdivision is not precluded  
34 from sentencing the defendant to jail or prison, but  
35 retains the discretion not to do so. The court shall state its  
36 reasons on the record for whatever sentence it imposes on  
37 the defendant.

38 The court shall order the psychiatrist or psychologist  
39 who is appointed pursuant to Section 288.1 to include a



1 consideration of the factors specified in paragraphs (2),  
2 (3), and (4) in making his or her report to the court.

3 (d) The existence of any fact that would make a person  
4 ineligible for probation under subdivision (a) shall be  
5 alleged in the accusatory pleading and either admitted by  
6 the defendant in open court or found to be true by the  
7 jury trying the issue of guilt or by the court where guilt  
8 is established by plea of guilty or nolo contendere or by  
9 trial by the court sitting without a jury.

10 (e) As used in this section and in Section 1000.12, the  
11 following terms apply:

12 (1) “Recognized treatment program” means a  
13 program with substantial expertise in the treatment of  
14 children who are victims of sexual abuse, their families,  
15 and offenders, that demonstrates to the court all of the  
16 following:

17 (A) An integrated program of treatment and  
18 assistance to victims and their families.

19 (B) A treatment regimen designed to specifically  
20 address the offense.

21 (C) The ability to serve indigent clients.

22 (2) “Integrated program of treatment and assistance  
23 to victims and their families” means that the program  
24 provides all of the following:

25 (A) A full range of services necessary to the recovery  
26 of the victim and any nonoffending members of the  
27 victim’s family, including individual, group, and family  
28 counseling as necessary.

29 (B) Interaction with the courts, social services,  
30 probation, the district attorney, and other government  
31 agencies to ensure appropriate help to the victim’s  
32 family.

33 (C) Appropriate supervision and treatment, as  
34 required by law, for the offender.

35 (f) For purposes of this section and Section 1000.12, a  
36 program that provides treatment only to offenders and  
37 does not provide an integrated program of treatment and  
38 assistance to victims and their families is not a recognized  
39 treatment program.



1 *SEC. 6. Section 656 of the Welfare and Institutions*  
2 *Code, as amended by Chapter 313 of the Statutes of 1995,*  
3 *is amended to read:*

4 656. A petition to commence proceedings in the  
5 juvenile court to declare a minor a ward of the court shall  
6 be verified and shall contain all of the following:

7 (a) The name of the court to which it is addressed.

8 (b) The title of the proceeding.

9 (c) The code section and subdivision under which the  
10 proceedings are instituted.

11 (d) The name, age, and address, if any, of the minor  
12 upon whose behalf the petition is brought.

13 (e) The names and residence addresses, if known to  
14 petitioner, of both of the parents and any guardian of the  
15 minor. If there is no parent or guardian residing within  
16 the state, or if his or her place of residence is not known  
17 to petitioner, the petition shall also contain the name and  
18 residence address, if known, of any adult relative residing  
19 within the county, or, if there are none, the adult relative  
20 residing nearest to the location of the court.

21 (f) A concise statement of facts, separately stated, to  
22 support the conclusion that the minor upon whose behalf  
23 the petition is being brought is a person within the  
24 definition of each of the sections and subdivisions under  
25 which the proceedings are being instituted.

26 (g) The fact that the minor upon whose behalf the  
27 petition is brought is detained in custody or is not  
28 detained in custody, and if he or she is detained in  
29 custody, the date and the precise time the minor was  
30 taken into custody.

31 (h) A notice to the father, mother, spouse, or other  
32 person liable for support of the minor child, that: (1)  
33 Section 903 may make that person, the estate of that  
34 person, and the estate of the minor child, liable for the  
35 cost of the care, support, and maintenance of the minor  
36 child in any county institution or any other place in which  
37 the child is placed, detained, or committed pursuant to an  
38 order of the juvenile court; (2) Section 903.1 may make  
39 that person, the estate of that person, and the estate of the  
40 minor child, liable for the cost to the county of legal



1 services rendered to the minor by a private attorney or  
2 a public defender appointed pursuant to the order of the  
3 juvenile court; (3) Section 903.2 may make that person,  
4 the estate of that person, and the estate of the minor child,  
5 liable for the cost to the county of the probation  
6 supervision of the minor child by the probation officer  
7 pursuant to the order of the juvenile court; and (4) the  
8 liabilities established by these sections are joint and  
9 several.

10 (i) In a proceeding alleging that the minor comes  
11 within Section 601, notice to the parent, guardian, or  
12 other person having control or charge of the minor that  
13 failure to comply with the compulsory school attendance  
14 laws is an infraction, which may be charged and  
15 prosecuted before the juvenile court judge sitting as a  
16 municipal court judge. In those cases, the petition shall  
17 also include notice that the parent, guardian, or other  
18 person having control or charge of the minor has the right  
19 to a hearing on the infraction before a judge different  
20 than the judge who has heard or is to hear the proceeding  
21 pursuant to Section 601. The notice shall explain the  
22 provisions of Section 170.6 of the Code of Civil Procedure.

23 (j) If a proceeding is pending against a minor child for  
24 a violation of Section 594.2, 640.5, ~~or~~ 640.6, *or* 640.7 of the  
25 Penal Code, a notice to the parent or legal guardian of the  
26 minor that if the minor is found to have violated either or  
27 both of these provisions that (1) any community service  
28 which may be required of the minor may be performed  
29 in the presence, and under the direct supervision, of the  
30 parent or legal guardian pursuant to either or both of  
31 these provisions; and (2) if the minor is personally unable  
32 to pay any fine levied for the violation of either or both  
33 of these provisions, that the parent or legal guardian of  
34 the minor shall be liable for payment of the fine pursuant  
35 to those sections.

36 (k) A notice to the parent or guardian of the minor  
37 that if the minor is ordered to make restitution to the  
38 victim pursuant to Section 730.6, or to pay fines or penalty  
39 assessments, the parent or guardian may be liable for the  
40 payment of restitution, fines, or penalty assessments.



1 ~~SEC. 6.—~~

2 *SEC. 7.* Section 5 of this bill incorporates amendments  
3 to Section 1203.066 of the Penal Code proposed by both  
4 this bill and AB ~~1491~~ 95. It shall only become operative if  
5 (1) both bills are enacted and become effective on  
6 January 1, 1996, (2) each bill amends Section 1203.066 of  
7 the Penal Code, and (3) this bill is enacted after AB ~~1491~~  
8 95, in which case Section 4 of this bill shall not become  
9 operative.

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